

RESOLUTION 10-22
THE TOWN OF FOREST HEIGHTS

**A RESOLUTION TO PROVIDE PREMIUM PAY TO ELIGIBLE MUNICIPAL WORKERS
PERFORMING ESSENTIAL WORK DURING THE PANDEMIC USING CORONAVIRUS
STATE AND LOCAL FISCAL RECOVERY FUNDS**

Introduced By: Mayor Calvin Washington

WHEREAS, under the United States Department of Treasury's Coronavirus Aid, Relief, and Economic Security (CARES) Act, Prince George's County, Maryland, received a direct allocation from the Coronavirus Relief Fund (CRF) to cover necessary expenditures directly related to the Coronavirus Disease 2019 (COVID-19), and from that distribution the County allocated \$157,000 to the Town in FY's 2020-21; and

WHEREAS, on May 20, 2020, the Mayor and Council passed Resolution 24-20 further modifying the Mayor's emergency order dated April 5, 2020, as ratified and extended in duration by the Council through Resolution 23-20 and further increased the compensation for certain essential Town employees deployed during the declared COVID-19 emergency; and

WHEREAS, Resolution 24-20 approved and authorized special compensation or hazardous duty pay for (i) public works and public safety employee positions whose compensation was eligible for reimbursement under the CARES Act, as listed on Exhibit 1 of said resolution and to be paid retroactively and proactively commencing as of March 17, 2020, and (ii) administrative employee positions whose compensation was not eligible for reimbursement under the CARES Act, as listed on Exhibit 1 of said resolution, to be paid retroactively and proactively throughout the duration of the declared local civil emergency to said designated essential employees until such time as the Mayor terminated the emergency period as subject to subsequent review and approval or unilateral termination by the Council; and

WHEREAS, on March 19, 2021, the Mayor and Council passed Resolution 05-21 entitled "A Resolution Ending COVID-19 Hazard Pay for Essential or Designated Personnel of the Town of Forest Heights" thereby ordering the cessation and ending of the \$2 per hour hazard pay differential sometimes referred to as "Hazardous Duty Pay" due to the pandemic and previously substantially made possible by CRF funding previously made available until the end of the 2020 calendar year and the Town's General Fund for Police officers, Public Works and Administrative employees which was stopped at the commencement of the next pay period following the passage of said Resolution; and

WHEREAS, the Mayor of the Town of Forest Heights issued a proclamation continuing and further modifying the declaration of the existence of a local emergency, as ordered by the Prince George's County Executive in Order No. 11- 2021 dated May 14, 2021; and

WHEREAS, the Prince George's County Executive Angela Alsobrooks announced on August 5, 2021, that the County would reinstitute an indoor public mask mandate due to a

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continued rise in COVID-19 metrics and the new mandate would go into effect on August 8, 2021; and

WHEREAS, the Town Administrator issued a directive on August 10, 2021, regarding the “Closure of the Town of Forest Heights Municipal Building and Notice of Possible COVID-19 Exposure” to all Town employees with the closure to be in effect until further notice; and

WHEREAS, on January 5, 2022, the Mayor and Council passed Resolution 01-22 entitled “A Resolution to Approve a Spending Plan for the Town’s Allocations of American Rescue Plan Funds” regarding the Town’s allocation of Coronavirus State and Local Fiscal Recovery Funds (SLFRF) administered by the State to non-entitlement jurisdictions amounting to \$2,526,205.34 for the Town’s allocation and said Plan included five (5) major expenditure categories, which said Resolution 01-22 shall be amended by this Resolution; and

WHEREAS, on January 17, 2022, the Town Administrator promulgated an Administrative Order mandating certain vaccination or testing requirements for the Town’s employees; and

WHEREAS, the SLFRF program provides governments across the country with the resources needed to: 1.) Fight the pandemic and support families and businesses struggling with its public health and economic impacts, 2.) Maintain vital public services, even amid declines in revenue resulting from the crisis, and 3.) Build a strong, resilient, and equitable recovery by making investments that support long-term growth and opportunity; and

WHEREAS, funding from the Coronavirus SLFRF is subject to the requirements specified in the Final Rule released by the U.S. Department of the Treasury on January 6, 2022 and said department released an “Overview of the Final Rule,” which provides a summary of major rule provisions to assist recipients and stakeholders; and

WHEREAS, the Final Rule takes effect on April 1, 2022, though recipients (i.e., cities and towns) can choose to take advantage of its flexibilities and simplifications now by consulting the Statement Regarding Compliance with the Coronavirus State and Local Fiscal Recovery Funds, Interim Final Rule and Final Rule for more information on compliance with the Interim Final Rule and the Final Rule; and

WHEREAS, funding from the Coronavirus SLFRF may be used to provide premium pay that “responds to” certain “eligible workers” performing “essential work” during the pandemic and said pay may be awarded to eligible workers up to \$13 per hour and said pay must be in addition to wages or remuneration (i.e., compensation) the eligible worker otherwise receives, and premium pay may not exceed \$25,000 for any single worker during the program; and

WHEREAS, under the Final Rule, which supersedes State and local law, “eligible workers” include state, local or local government workers, and “essential work” means work that is not performed while teleworking from a residence and involves either in-person interactions or

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physical handling of items that were handled by the public or coworkers, and “responds to” means that the worker falls into one of three categories that follows: (i) the eligible worker’s pay (with or without the premium) is at or below 150 percent of their residing state’s or county’s average annual wage for all occupations, whichever is higher, on an annual basis; (ii) the eligible worker receiving premium pay is not exempt from FLSA; or (iii) the eligible worker does not meet the above requirements but the recipient entity submits a written justification; and

WHEREAS, under the Final Rule premium pay may be awarded in installments or lump sums (e.g., monthly, quarterly, etc.) and may be awarded to hourly, part-time or salaried or non-hourly workers, and premium pay must be paid in addition to wages already received and may be paid retrospectively and a recipient jurisdiction may not use SLFRF to merely reimburse itself for premium pay or hazard pay already received by the worker and premium pay may not be paid to volunteers; and

WHEREAS, the Mayor and Town Administrator recommend that the Town provide all employees (i.e., full and part time) a one-time lump sum payment or as no fewer than six (6) payday (bi-weekly) installment payments totaling \$6,240.00 as SLFRF Premium Pay effective immediately; and

WHEREAS, the Mayor and Council finds that the annual mean wage for the State of Maryland as determined by the Bureau of Labor Statistics is \$30.58 hourly or \$63,610 annually, and that 150 percent of that wage is \$45.87 hourly or \$95,415 annually.

NOW THEREFORE BE IT RESOLVED, that the Town Council hereby orders the payment of SLFRF Premium Pay, as described above, to all of its employees to commence at the next pay period following the passage of this Resolution.

AND BE IT FURTHER RESOLVED, that this Resolution shall authorize an amendment and reallocation of funding from Resolution 01-22 to amend the approved document entitled “Town of Forest Heights Recovery Plan – State and Local Fiscal Recovery Funds – 2021 Report”; authorizing a transfer of \$162,240.00 plus FICA from Infrastructure and establishing project number TOFH-FY22-HZDP-0001 “Covid 19 Hazard Pay” and any related budget amendments.

AND BE IT FURTHER RESOLVED, that the Mayor is authorized to sign this Resolution on behalf of the Council.

AND BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon passage.

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PASSED this 7 day of March 2022.

APPROVED: By Resolution of the Town Council of The Town of Forest Heights, Maryland

<u>ROLL CALL VOTE</u>	<u>YEA/NAY/ABSTAIN/ABSENT</u>
WASHINGTON	<u>Yea</u>
BROWNSON	<u>Nay</u>
NOBLE	<u>Nay</u>
BARNES	<u>Yea</u>
HINES	<u>Yea</u>
LILLY	<u>Yea</u>
ATKINSON	<u>Absent</u>

ATTEST:

THE TOWN OF FOREST HEIGHTS,
MARYLAND



Sherletta Hawkins, Town Clerk

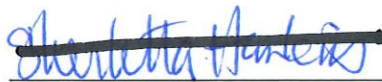
By:



Calvin Washington, Mayor

CERTIFICATION

I, hereby certify, as the duly appointed Town Clerk of the Town of Forest Heights, Maryland, that on the 7 day of March 2022 with 4 Aye votes and 2 Nay votes the aforesaid Resolution 10-22 passed.



Sherletta Hawkins, Town Clerk